

**RECEIVED
CENTRAL FAX CENTER****FEB 20 2007****REMARKS**

Applicants respond hereby to the outstanding Office Action mailed October 17, 2006, in the above-identified application. A Petition For Extension of Time is included herewith, extending the time for applicants to respond to the Office Action, up to and including February 20, 2007 (February 17, 2007 is a Saturday, and February 19, 2007 is a national holiday).

Initially, applicants express their appreciation to Examiner Dawson for the allowance of claims 1-3, 8, 22-25, 30, 43 and 44. Independent method claims 45, 46 and 47, are amended hereby to depend from allowed independent claim 1. After amendment, claims 1-47 remain pending, where claims 1 and 23 are the independent claims.

Response To Rejections under 35 USC § 112

In the October 17, 2006, Office Action, Examiner Dawson rejected claims 4-7, 9-21, 26-29 and 31-42 under 35 USC § 112, second paragraph, as being indefinite. Examiner Dawson states that "it is unclear if the parts of the endoscope, e.g., endoscope, channel, forceps, cap, are being positively recited as elements of the claimed system."

In response, applicants respectfully assert that the none of the aforementioned references to endoscope, or endoscope parts, are positively recited in the rejected claims, or are meant to be part of the invention as claimed. That is, the endoscope "parts" are not part of the stent delivery system as claimed. For example, both independent claims 1 and 23 comprise stent delivery systems with a first cylindrical member "capable of being inserted into a forceps channel of an endoscope," the first cylindrical member including a through hole having a central axis. Neither the endoscope nor the endoscopic forceps channel is meant to be part of any invention as claimed.

With respect to rejected claims 4, 5, 9, 10, 13, 14, 17, 18, 26, 27, 31, 32, 35, 36, 39 and 40, the endoscope parts mentioned are not constituent elements of the stent delivery

BEST AVAILABLE COPY

system, e.g., the endoscope, or forceps channel of the endoscope. Again, none of the endoscope parts recited are meant to be part of any invention as claimed.

With respect to claims 6, 7, 11, 12, 15, 16, 19, 20, 28, 29, 33, 34, 37, 38, 41 and 42, the holding mechanism is part of the endoscope introduced in allowed claims (3/1), into which the first cylindrical member is "capable" of being inserted (NOT inserted). The holding mechanism is not a an inventive or constituent element of the invention as claimed.

With respect to claim 21, applicants respectfully assert that there are no endoscope parts asserted. That is, claim 21 recites the allowed claim 1 stent delivery system, and is further qualified to include that at least the outer peripheral surface of the tip end of the first cylindrical member is coated with a hydrophilic lubrication. There is no mention of endoscope or endoscope parts.

Applicants, therefore, respectfully request withdrawal of the rejection of claims 4-7, 9-21, 26-29 and 31-42, under 35 USC Section 112, second paragraph, and allow the claims.

Response To Rejections under 35 USC § 103

Claims 45-47 were rejected under 35 USC 103(a) by pending, published US Patent Application No. 2003/0083730 to Stinson in view of US Patent No. 5,733,267 to Del Torro, and further in view of US Patent No. 4, 653,477 to Akui, et al.


In response, applicants have amended independent indwelling method claims 45, 46 and 47, to include the limitations of stent delivery system claim 1. Because claim 1 is allowable in view of the asserted combination of Stinson, Del Toro and Akui, and because claims 45-47 now include each of the claim 1 limitations, applicants respectfully assert that the rejection of claims 45-47 under 35 USC 103(a) in view of Stinson, Del Toro and Akui is obviated, and request withdrawal the rejection.

Conclusion

It follows that each of pending claims 1-47 is patentably distinct from any combination of Stinson, Del Toro and Akui, under Section 103, and fully complies with 35 USC § 112, second paragraph. Applicants therefore urge the Examiner to reconsider and withdraw the rejection of claims 4-7, 9-21, 26-29, 31-42 and 45-47, allow the claims, and pass the application to issue.

If the Examiner believes that a telephone conference with applicants' attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,



John F. Vodopia
Registration No.: 36,299
Attorney for Applicants

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

JFV:gc